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REMARKS

New drawings have been added to the application without the addition of new matter. New paragraphs have been added to the specification without the addition of new matter to the application. Claims 13, 16 and 19 have been amended without adding new matter in order to address issues raised by the Examiner. Thirteen (13) claims remain pending in the application: Claims 13-25. Reconsideration of claims 13-25 in view of the amendments above and remarks below is respectfully requested.

Objection to the Drawings according to 37 CFR 1.83(a)

1. The drawings have been objected by the Examiner for not showing every feature of the invention as set forth in the claims. Specifically, the Examiner has indicated that a "means for launching the plurality of projectiles" is not shown in the drawings.

Applicants traverse this objection in that at least Figures 37-39 show examples of means for launching the plurality of projectiles. Applicants have further added figures 40-42 depicting examples of launch devices useable in combination with projectiles described in the application for delivering an inhibiting substance to a living target, wherein the launch devices shown include a PR24 police baton 4001, modified flashlight 4002, and an air pistol 4003. New figures 40-42 do not add new matter to the application as the originally filed application describes, for example, a "projectile system [which may be] rapid fired, for example using a compressed air pistol 4003, compressed air rifle, a

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fully automatic launcher, a dual-use modified PR24 police baton 4001, a dual-use modified flashlight 4002, a shotgun, and/or other similar rapid fire devices¹."

Still further, the application as filed incorporated by reference several U.S. Patents and Patent Applications that further provide support for inclusion of Figures 40-42. For example, the application on page 33 incorporates by reference U.S. Patent Nos. 5,965,839 and 6,393,992, and U.S. Patent Application No. 10/146,013. Therefore, no new matter has been added to the application by the inclusion of Figures 40-42.

Objection to the Specification according to 37 CFR 1.75(d)(1)

2. The specification has been objected to by the Examiner for failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner has indicated that a "means for launching the plurality of projectiles" as recited in the claims is not taught in the specification.

Applicants respectfully point out that the specification at least on page 49 lines 14-19 of the present application (herein the '684 application) teaches several examples of "a means for launching the plurality of projectiles." For example, the specification sets forth a "projectile system [which may be] rapid fired, for example using a compressed air pistol, compressed air rifle, a fully automatic launcher, a dual-use modified PR24 police baton, a dual-use modified flashlight, a shotgun, and/or other similar rapid fire devices."

¹ See page 49, lines 14-19 of the '684 application

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Further, the '684 application includes Figures 37-39 showing launch systems that can launch multiple projectiles. Applicants have further added figures 40-42 specifically depicting launch devices, which are supported by the specification as originally filed by at least page 49, lines 14-19. Figures 40-42 are further described by the paragraphs added by Applicants herein following the paragraph beginning on page 10, line 18, which is also supported by the specification as originally filed by at least page 49, lines 14-19.

Claim Rejections - 35 U.S.C. §112

3. Claims 22-25 stand rejected under 35 U.S.C. §112, first paragraph, as not being enabled by the disclosure. Specifically, the Examiner asserts that the specification does not reasonably provide enablement for a means for launching the plurality of projectiles and specifically wherein the means for launching launches at least a sub-set of the plurality of the projectiles within a limited time to contact a target along a path across the target.

In response, Applicants respectfully point to the specification as originally filed at least at page 49, lines 14-19, wherein the specification describes a "projectile system [which may be] rapid fired, for example using a compressed air pistol, compressed air rifle, a fully automatic launcher, a dual-use modified PR24 police baton, a dual-use modified flashlight, a shotgun, and/or other similar rapid fire devices," as well as, for example, Figures 37-39 and the description of these figures on pages 53-58.

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Again, the specification and drawings have been modified as described above to further demonstrate examples of "means for launching" and more specifically "a means for launching a plurality of projectiles" and the like. Further, a person with ordinary skill in the art will appreciate various way of launching the projectiles as described in the application, particularly considering the numerous examples set forth in the application as filed, and the various references incorporated by reference in the '684 application, such as, for example, US Patent Nos. 5,965,839 and 6,393,992 of Vassel et al., US Patent Application No. 10/146,013 of Vassel et al., US Patent No. 3,921,614 of Fogelgren for a COMPRESSED GAS OPERATED GUN HAVING VARIABLE UPPER AND LOWER PRESSURE LIMITS OF OPERATION² and US Patent No. 5,254,379 of Kotsiopoulos for a PAINT BALL (and related apparatus)³.

Therefore, it is respectfully requested that the Examiner withdraw the rejection directed to claims 22-25 under 35 U.S.C. §112.

Claim Rejections - 35 U.S.C. §102

4. Claims 13-16, 18-21, and 23-25 are rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,543,365 to Vassel et al (herein the '365 patent).

Independent claim 13 has been amended to include the limitation directed to a propulsion block positioned proximate to the stabilizing fins and configured to maintain substantially all of a propulsion force behind the propulsion block and to evenly distribute the propulsion force to the

² See page 2, lines 1-13 of the '684 application

³ See page 3, lines 12-22 of the '684 application

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projectile. The '365 patent does not describe a propulsion block that maintains substantially all of the propulsion force behind the propulsion block. Alternatively, the '356 patent describes protective diaphragms between the spherical projectiles. These diaphragms do not "maintain substantially all of a propulsion force behind the propulsion block" and further do not "evenly distribute the propulsion force to the projectile" as recited in claim 1. Therefore, the '365 patent does not describe all of the limitations of independent claim 13. As each of claims 14-15, 18-21, and 23-25 depend on claim 13, it is respectfully requested that the Examiner withdraw the present rejection to each of claims 13-15, 18-21, and 23-25.

Claim 16 has further been amended to be in independent form, and recites in part "additional stabilizers positioned on the exterior of the second part." The '365 patent does not teach or show additional stabilizers on the second part. Therefore, claim 16 is also not anticipated by the '365 patent.

5. Claims 13-16, 18-19, and 21 are rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 3,650,213 of Abbott et al. (herein the '213 patent).

As stated above, independent claim 13 has been amended to include "a propulsion block positioned proximate to the stabilizing fins and configured to maintain substantially all of a propulsion force behind the propulsion block and to evenly distribute the propulsion force to the projectile." The '213 patent does not describe a projectile system having a projectile block as recited in claim 13. The '213 patent only shows a soft flexible blanket 41. This blanket is not

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equivalent to a propulsion block, and further cannot "maintain substantially all of a propulsion force behind the propulsion block and to evenly distribute the propulsion force to the projectile," as recited in claim 13. Therefore, the '213 patent does not teach or suggest each element of the claimed invention. As each of claims 14-15 and 18-21 depend on claim 13, it is respectfully requested that the Examiner withdraw the present rejection to each of claims 13-15 and 18-21.

As indicated above, claim 16 has been amended to be in independent form. The '213 patent does not teach or suggest additional stabilizers on the second part. The examiner only references the same fins relied upon in rejecting claim 1. These are not equivalent to the "additional stabilizers positioned on the exterior of the second part" as recited in claim 16. Therefore, claim 16 is also not anticipated by the '213 patent.

6. Claims 13-17, and 21-22 are rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,565,649 of Tougeron et al. (herein the '649 patent).

The '649 patent differs appreciably from the '684 application in the '649 patent does not describe a "propulsion block" or "stabilizing fins" as stated in independent claim 13 (emphasis added) of the '684 application. Further, the office action incorrectly recites the language of claim 13 as "additional stabilizers (additional stabilizing surfaces 32)." (Office Action, page 7). Alternatively, claim 13 specifically recites "stabilizing fins." Applicants respectfully submit that the office action erroneously asserts that the braking plane 32 of the '649 patent is the equivalent of the stabilizing fins as described in '684 application. The braking

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plane 32 is not a fin or fins, and thus the '649 patent does not teach each element of claim 13. Further, the braking plane 32 of the '649 patent, which the Examiner asserts is synonymous to the stabilizing fins is not "secured with the second part (of the projectile) along an exterior of the second part" as is stated in independent claim 13 of the '684 application.

Claims 14-15, 17 and 21 depend from claim 13. Thus, claims 14-15, 17 and 21 are also not anticipated by the '649 patent for at least the reasons provided above.

Again, claim 16 has been amended to be in independent form. The '649 patent does not teach or suggest additional stabilizers. The '649 patent describes billows 51, but these are not stabilizers, nor would these billows provide stabilization. Therefore, claim 16 is also not anticipated by the '649 patent.

Thus, in view of the arguments and amendments above, it is respectfully requested that the Examiner withdraw the present rejection of claims 13-17 and 21 as the '649 patent does not describe a projectile system meeting the limitations of at least independent claims 13 and 16.

Claim Rejections - 35 U.S.C. §103

7. Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 3,650,213 of Abbott et al. (the '213 patent).

Claims 23 and 24 depend from claim 13. As Applicants have previously described in section 5 of the foregoing amendment, independent claim 13 has been amended to include "a propulsion block positioned proximate to the stabilizing fins

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and configured to maintain substantially all of a propulsion force behind the propulsion block and to evenly distribute the propulsion force to the projectile." The '213 patent does not describe a projectile system meeting the limitations of independent claim 13. Further, the '213 patent fails to teach or suggest the user of a propulsion block as recited in amended claim 13. Thus, claims 23 and 24 are also not obvious in view of the '213 patent, and Applicants respectfully request that the Examiner withdraw the present rejection to claims 23 and 24.

8. Claims 20 and 25 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 3,650,213 of Abbott et al. (the '213 patent) in view of U.S. Patent No. 5,217,708 of Pinkney (herein the '708 patent).

Claims 20 and 25 depend from claim 13. Amended claim 13, however, recites in part, a propulsion block. Neither the '213 nor '708 patents teach or suggest a propulsion block as recited in claim 13, nor do the applied references teach a propulsion block that maintains "substantially all of a propulsion force behind the propulsion block and to evenly distribute the propulsion force to the projectile" as recited in claim 13. Therefore, claims 20 and 25 are not obvious in view of the '213 and '708 patents.

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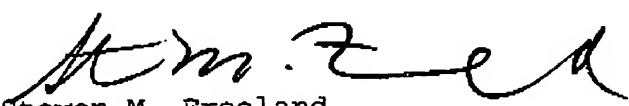
CONCLUSION

By way of this amendment, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas Lebens at (805)781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

FITCH EVEN TABIN & FLANNERY

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Date


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